

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

DONALD ROBOHM and NATALIE ROBOHM

PLAINTIFFS

VS.

CAUSE NO: 1:08CV490-LTS-RHW

STATE FARM FIRE & CASUALTY COMPANY;
and STATE FARM JOHN DOES, One through Fifteen

DEFENDANTS

MOTION TO ENFORCE SETTLEMENT AND OTHER RELIEF

COMES NOW, Defendant State Farm Fire & Casualty Company (“State Farm”), by and through the undersigned counsel, and move the Court for an Order, enforcing a settlement agreement.

As grounds, State Farm would show as follows:

1. Plaintiffs filed their Complaint asserting various allegations and engaged or had the opportunity to engage in discovery, whether on a formal or informal basis;
2. This Court scheduled and held a Settlement Conference on February 2, 2010;
3. During the Settlement Conference, plaintiffs chose to and agreed to settle “any and all claims” against State Farm, and those in privity, save an alleged claim against Haag Engineering due to its alleged unauthorized publishing of plaintiffs’ property;
4. Counsel for plaintiffs and State Farm negotiated and agreed upon the terms of the settlement agreement and release;
5. State Farm has since presented plaintiffs with settlement documents;
6. Plaintiffs’ counsel is in agreement to the terms;
7. Despite this agreement, plaintiffs have failed to sign and return all settlement documents, including a release;
8. State Farm, through counsel, has exhausted all reasonable efforts to prompt a resolution;

9. State Farm has needlessly been required to expend sums due to plaintiffs' unreasonable failure to return the settlement documents.

WHEREFORE, PREMISES CONSIDERED, the defendant respectfully requests the Court set this matter for hearing to determine whether sufficient facts exist to order the plaintiffs to execute all settlement documents, and to receive evidence in order to determine if plaintiffs should be liable for the costs, including a reasonable attorneys' fee, incurred in an effort to bring this matter to final resolution.

Respectfully submitted,

STATE FARM FIRE & CASUALTY COMPANY

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BY: /s/ H. Scot Spragins
H. SCOT SPRAGINS, MSB #7748
GOODLOE T. LEWIS, MSB # 9889

CERTIFICATE OF SERVICE

I, H. SCOT SPRAGINS, one of the attorneys for the Defendant, STATE FARM FIRE & CASUALTY COMPANY, do hereby certify that I have on this date electronically filed the foregoing document with the Clerk of Court using the ECF system which sent notification of such filing to all counsel of record.

DATED, this the 8th day of April, 2010.

/s/ H. Scot Spragins

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